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Fifty-seventh session
Agenda item 102
Advancement of women

Letter dated 23 September 2002 from the Permanent Representative of Venezuela to the United Nations addressed to the Secretary-General

I have the honour to refer to the report entitled "Working towards the elimination of crimes against women committed in the name of honour" (A/57/169).

On instructions from my Government, I wish to make certain clarifications with regard to paragraph 26 of the report, according to which Venezuela is among those countries whose penal codes allow for partial or complete defence in cases in which it is alleged that a crime was committed in defence of honour.

On this point, I wish to point out that article 423 of the Venezuelan Penal Code does indeed provide as follows:

> "A husband who surprises his wife and her accomplice in the act of adultery and kills, wounds or assaults one or both of them shall not be liable to the common penalties for murder or causing injury.
>
> "In such cases, the penalties for murder or causing injury shall be reduced to a term of imprisonment of no more than three years or less than six months.
>
> "The same reduction in penalty shall apply to murders or injury committed or caused by parents or grandparents in their own homes against men whom they surprise in a carnal act with their unmarried daughters or granddaughters."

However, this article was repealed by decision of the Supreme Court of Justice on 5 March 1980, on the grounds that the article created a distinction between men and women that violated the principles of non-discrimination and equality enshrined in article 61 of the 1961 Constitution of Venezuela, which was still valid at the time.

Furthermore, the nullity of the above-mentioned article was also grounded on the argument that the equality of persons of either sex before the law constitutes a right for there to be no exceptions or privileges that exclude a person of a given sex from some benefit granted to the other sex in similar circumstances. In other words, a right for there to be no discrimination based on sex between persons in the same

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conditions. The distinction with regard to the special reduction in the sentence meted out to a husband who kills his adulterous wife — a reduction denied to a woman who might find herself in the same situation by surprising her husband in the act of adultery — was considered by the Court to be a clear case of discrimination against the woman based on sex and, as such, unconstitutional, since it violated article 61 of the Constitution which, as was mentioned before, set forth the principle of non-discrimination based on race, sex, belief or social status.

I should also like to point out that since 1999, the Bolivarian Republic of Venezuela has had a new Constitution, article 21 of which sets forth the principles to which I have just referred.

I should be grateful if you would arrange to have this letter circulated as an official document of the General Assembly under agenda item 102.

(*Signed*) Milos **Alcalay**
Ambassador
Permanent Representative

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Fifty-seventh session
Agenda item 109 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Letter dated 24 September 2002 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a letter dated 11 September 2002, from Dr. Mustafa Osman Ismail, Minister for Foreign Affairs of the Republic of the Sudan, addressed to Mr. Sergio de Mello, the United Nations High Commissioner for Human Rights (see annex).

I would kindly request that the enclosed letter be circulated as a document of the fifty-seventh session of the General Assembly, under agenda item 109 (c).

(*Signed*) Elfatih **Erwa**
Permanent Representative

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Annex to the letter dated 24 September 2002 from the Permanent Representative of the Sudan addressed to the Secretary-General

[Original: Arabic]

I am writing to you in connection with the statements that were made by Mr. Gerhart R. Baum, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan, at the press conference he gave in London and that were published for him by the newspaper *Al-Sharq al-Awsat* in its issue of 20 August 2002.

We remark at the outset that the Special Rapporteur went beyond his mandate under the resolutions of the Commission on Human Rights and the General Assembly of the United Nations in holding meetings with representatives of the so-called "British lobby for the Sudan" and that this aligns Mr. Baum with the allegations and opinions promoted by this group.

The statements made by the Special Rapporteur at his press conference and those that were published in *Al-Sharq al-Awsat* contained many manifestations of open hostility to the Government of the Sudan and to the efforts being made for a peaceful settlement to the conflict going on in southern Sudan, as well as exaggerations, charges and allegations for which there is no evidence. I should like in this context to make specific reference to some of the transgressions committed:

(a) The mandate given to the Special Rapporteur requires him to submit his reports to the Commission on Human Rights and the United Nations General Assembly as the only two official forums of Member States that have the authority to discuss those reports. This mandate does not authorize him to engage in media activities in order to promote the reports.

(b) These statements coincided with the first signs of peace, and it had become more probable following the conclusion of the framework agreement on an understanding between the Government of the Sudan and the Sudanese People's Liberation Movement in Machakos, Kenya, on 20 July 2002 under the auspices of the Intergovernmental Authority on Development and its partners.

(c) It is astonishing that Mr. Baum should cast doubt on the success of the peace negotiations in Machakos. In doing so he violates the constructive spirit of the statement made by Mr. Kofi A. Annan, the Secretary-General, at the time of his visit to the Sudan last July, when he expressed optimism for the success of the negotiations. This is to say nothing of the fact that they were warmly welcomed in many international circles and, most prominently, by the United Nations Security Council.

(d) Mr. Baum made his statements before the visit he was supposed to make to the Sudan to acquaint himself with recent developments in the human rights situation and to update the information he was to present to the Third Committee of the General Assembly at its fifty-seventh session. In doing this, the Special Rapporteur delivered a negative judgement, in advance, on all of the issues to be covered in the report he is to submit to the General Assembly next November without having acquired a preliminary understanding of the state of affairs with respect to human rights in the Sudan.

(e) The Government of the Sudan condemns and rejects in the strongest terms the reply given by the Special Rapporteur to a question from a journalist at the press conference to the effect that he, the Special Rapporteur, views the Islamic Shariah as in breach of human rights and considers that it might lead to violations of the international human rights instruments. The Government of the Sudan regards such talk by an international official as indicating disrespect for the divinely inspired religions and for the diversity of creeds among peoples. Such talk is also openly offensive, and it unequivocally requires clarification.

In the light of the foregoing, the Government of the Sudan is fully convinced that attitudes such as that reflected in the statements of the Special Rapporteur may hinder the achievement of the worthy goals selected by the international community as a way to support and strengthen human rights. Special rapporteurs are, indeed, supposed to ensure that all the opportunities required for the successful achievement of these goals are available.

Accordingly, the Government of the Sudan looks to you to call the attention of the Special Rapporteur to the offences he has committed and to urge him to endeavour to perform his functions within the limits of the mandate given to him by the Commission on Human Rights and the General Assembly. Mr. Baum will receive full cooperation and support from the Government of the Sudan so that he can perform his duties better and in a proper manner while avoiding a confrontational approach that does nothing to achieve the desired goals.

(*Signed*) Mustafa Osman **Ismail**
Minister for Foreign Affairs

United Nations A/57/434

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Fifty-seventh session
Agenda item 119
Joint Inspection Unit

Reports of the Joint Inspection Unit

Reforming the Field Service category of personnel in United Nations peace operations

Support costs related to extrabudgetary activities in organizations of the United Nations system

Strengthening the investigations function in United Nations system organizations

Enhancing the governance oversight role: structure, working methods and practices on handling oversight reports

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Joint Inspection Unit on reforming the Field Service category of personnel in United Nations peace operations (A/57/78), support costs related to extrabudgetary activities in organizations of the United Nations system (JIU/REP/2002/3),[1] strengthening the investigations function in United Nations system organizations (A/56/282) and enhancing the governance oversight role: structure, working methods and practices on handling oversight reports (A/57/58). In the course of its consideration of the reports of the Joint Inspection Unit, the Advisory Committee reviewed the related comments of the Secretary-General contained in documents A/57/78/Add.1, A/56/282/Add.1 and A/57/58/Add.1. The Committee also considered reports of the Joint Inspection Unit on management of buildings (A/56/274) and administration of justice (JIU/REP/2002/5).[1] The Committee will take these reports into account when it considers the related subjects, including reports of the Secretary-General on the capital master plan (A/57/285) and the reform of the administration of justice in the United Nations Secretariat (A/56/800).

Reforming the Field Service category of personnel in United Nations peace operations

2. The Advisory Committee notes that the findings of the Joint Inspection Unit report (A/57/78) are addressed to the United Nations Secretariat, which is already in the process of reforming the field service.

3. The Advisory Committee notes that recommendation 1 of the Joint Inspection Unit on

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reforming the Field Service category provides, inter alia, that the Secretary-General would be requested to prepare and submit to the General Assembly at its fifty-eighth session a detailed and comprehensive proposal for the future composition of the Field Service category of personnel. As indicated in paragraph 2 of the related report of the Secretary-General (A/57/78/Add.1), the Secretariat is in the process of reviewing the Field Service category on the basis of the report of the Panel on United Nations Peace Operations (A/55/305-S/2000/809), which first called for the revision of the Field Service category to better match the present and future demands of field operations. Moreover, as indicated in paragraph 7 of the Secretary-General's report, after the completion of consultations with relevant offices and Field Service staff representatives, any necessary analysis of the requirements in the field and the inventory of skills and competencies of current field staff, the Secretary-General will submit a comprehensive proposal to the General Assembly for the future composition and conditions of service of the Field Service category, as suggested by the Joint Inspection Unit.

4. The Advisory Committee recommends that the General Assembly approve the recommendations of the Joint Inspection Unit on reforming the Field Service category of personnel in United Nations peace operations. The Committee requests the Secretary-General to expedite the completion of the review of the Field Service category and to submit his comprehensive proposals in this regard to the General Assembly at its fifty-eighth session, as recommended by the Joint Inspection Unit. The Committee will follow up on the implementation of the recommendations in the context of its review of proposed requirements for peacekeeping operations in February 2004.

Support costs related to extrabudgetary activities in organizations of the United Nations system

5. The Advisory Committee notes that, pursuant to General Assembly resolution 56/245 of 24 December 2001, the report of the Joint Inspection Unit on support costs related to extrabudgetary activities in organizations of the United Nations system (JIU/REP/2002/3) includes an annex that contains comments from participating organizations. **The Committee is of the view, in this regard, that lessons learned from this innovation need to be examined in order to ascertain the extent to which this procedure could expedite the consideration of reports of the Joint Inspection Unit by the various legislative bodies to which the reports might be addressed.**

6. The Advisory Committee notes from the annex to the report that the general thrust of the report towards harmonization of policy principles related to support costs in the United Nations system organizations was well received and welcomed by the secretariats of most participating organizations. **The Committee recommends that the General Assembly endorse the recommendations of the Joint Inspection Unit. The Committee requests that the introduction to the Secretary-General's proposed programme budget for the biennium 2004-2005 contain information on policy changes with regard to support costs that need to be made in order to implement the relevant recommendations of the Joint Inspection Unit.** The Committee will revert to this subject during its review of the Secretary-General's proposed programme budget for the biennium 2004-2005.

Strengthening the investigations function in United Nations system organizations

7. The Advisory Committee observes that the Committee for Programme and Coordination has recommended that the General Assembly endorse the recommendations of the Joint Inspection Unit in the manner indicated in paragraphs 357 and 358 of its report.[2]

8. With regard to recommendation 4 of the Joint Inspection Unit (see A/56/282), the Advisory Committee points out that the use of external contractors should be in compliance with the decisions and criteria adopted by the General Assembly and other relevant intergovernmental bodies.

Enhancing the governance oversight role: structure, working methods and practices on handling oversight reports

9. The Advisory Committee notes that recommendations 1, 2 and 3 of the Joint Inspection Unit (see A/57/58) are addressed to governing bodies

and recommendation 4 is addressed to the executive heads. With respect to recommendation 1, the Committee points out that the General Assembly has already decided that thematic reports of the Joint Inspection Unit should be considered under the relevant agenda items of the Assembly (see General Assembly resolution 50/233, para. 5). **The Committee is of the view that the steps outlined in recommendation 1 might give rise to complications and it cautions, therefore, against adopting mechanical procedures that might be difficult to implement.**

10. Recommendations 2 and 3 concern legislative machinery; the Advisory Committee points out that the issue of the number, composition and terms of reference of subsidiary legislative bodies with oversight responsibility is a political matter that is within the purview of the General Assembly.

11. With regard to recommendation 4, the Advisory Committee points out that the related procedure is already under implementation in the United Nations.

Notes

[1] To be issued as a document of the fifty-seventh session of the General Assembly.

[2] Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 16 (A/57/16).

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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in Burundi

Note by the Secretary-General*

In resolution 2002/12, adopted without a vote on 19 April 2002, and approved by the Economic and Social Council in decision 2002/246, of 25 July 2002, the Commission on Human Rights requested the Special Rapporteur to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-seventh session. The Special Rapporteur was unable to undertake the sixth mission to Burundi until the end of August 2002 and consequently will limit herself to an oral presentation.

* This note contains the decision of the Special Rapporteur to report orally to the General Assembly.

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